

KAUA'I COUNTY POLICE COMMISSION

NOTICE OF REGULAR MEETING

Friday, September 22, 2006

9:00 A.M. Open Session
Council Chambers
2nd Floor Historic County Building

A G E N D A

- I. Call to Order
- II. Approval of Agenda
- III. Chair's Report
- IV. Open Forum: Public comment on issues listed on Open Session agenda
- V. Commendations
 - a. Employee of the Month of September: Mr. Scott Yamaguchi
 - b. Commendation Report:
- VI. Approval of Meeting Minutes
 - a. Special Session meeting minutes of 7/14/06
 - b. Regular Session meeting minutes of 8/25/06
- VII. Chief's Monthly & Quarterly Reports
 - a. Administrative & Technical Services
 - 1. Training Report
 - 2. Crime Trends & Highlights
 - 3. Personnel Report / Reports on Retention/Recruitment
 - 4. Fiscal Report
 - b. Patrol Services Bureau & Traffic Report
 - c. COP Reports
 - d. Investigative Service Bureau Report
 - 1. July – corrected report
 - e. Others: Update from Chief on grievances
- VIII. Communications
 - a. Administrative Notices: None
 - b. Training Orders:
 - 06-087: Geographic Information Technologies for Emergency Preparedness and Response
 - 06-090: International Critical Incident Stress Foundation Inc. Crisis Intervention Conference
 - 06-091A: Patrol Rifle Training
 - 06-092: Pedestrian and Motorcycle Reconstruction Class

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- 06-093: Budget Training
- 06-094A: Rappel Re-certification Training
- 06-096: Special Services Team
- 06-097: Grievances, Arbitration and Past Practices
- 06-098: Verbal Judo
- 06-099: First Responder/CPR/AED Re-certification Training
- 06-100: The 2nd Hawai'i Identity Theft & Financial Crimes Task Force (HIT Fraud) Seminar
- 06-101: Stress Management Training for Supervisors and Managers
- 06-102A: Drivers License Safety Features
- c. Personnel Orders (Assignment & Special Services Team): 2006-08
- d. General Orders:
 - 2006-1: Use of Force
 - 2006-2: Vehicular Pursuit Policy
 - 2006-3: KPD Refueling Procedures and use of the Gasboy System
- e. Honolulu Police Commission Minutes of 6/21/06 and 7/5/06
- f. Maui Police Commission Minutes of 8/16/06
- g. A Statistical Profile: The Serious Juvenile Offender in Hawai'i, Department of the Attorney General, June 2006
- h. Understanding Gender Differences: The Female Juvenile Offender in Hawai'i, Department of the Attorney General, May 2006
- i. Liberty Magazine, Vol. 101, No. 5, Sept/Oct (on file with secretary)

IX. Old Business

- a. Police Commission Rules, suggested changes and possible amendments (deferred from 7/28 meeting)
 - 1. Final adoption or rejection of proposed changes
- b. Resolution #2005-65 from County Council establishing an Investigating Committee to Investigate the Kaua'i Police Department (deferred since 1/27/06 pending response from Council Chair; letters sent 2/15 & 5/30, email of 7/6 and 9/12)
- c. Discussion, deliberation and decision-making or action regarding further steps, actions, procedures and processes necessary to select a new Chief of Police of the Kaua'i Police Department
 - 1. Final approval for job posting
- e. HSLEOA Conference, 9/5 – 8/06, Sheraton Waikiki
 - 1. Oral reports on conference
- f. Additional request from Society of Professional Journalists, Hawai'i Chapter for Executive Session minutes (deferred from 8/25/06)

X. New Business

- a. Administrative or Management Audit including but not limited to the following areas:
 - 1. Grievance Procedures

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2. General Orders
 3. Standard Operating Procedures
 - b. Discussion on what affect the Super Ferry will have on Traffic and Crime for Kauai
- XI. Open Forum: Public comment on issues not on the agenda for consideration for Board's agenda at the next meeting
- XII. Next Meeting: October 27, 2006 – Executive Session 10:15 a.m.
Regular Session 1:30 p.m.
- XIII. Open Forum: Public comment on issues listed on the Executive Session agenda.
- XIV. Executive Session
- a. *Pursuant to Hawai'i Revised Statutes §§92-4 and 92-9(a)(1-4)(c), the purpose of this executive session is for the Commission to approve the following executive session meeting minutes of the Commission:*

ES 2006-1: Special Executive Session meeting minutes of 7/14/06
ES 2006-2: Regular Executive Session meeting minutes of 8/25/06
 - b. *Pursuant to Hawai'i Revised Statutes §§92-4 and 92-5(a)(2) and 92-5(a)(4), the purpose of this executive session is to consider the evaluation, dismissal, or discipline of a County police officer relating to a complaint filed against an officer while on duty. The further purpose of this executive session may be to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item, deliberate and take such action as appropriate:*

ES-KPC 06-011 – Citizen complaint against a police officer (filed 7/31/06)
 - c. *Pursuant to Hawai'i Revised Statutes ("H.R.S.") §§ 92-4, 52D-9 and 92-5(a)(4) (5), the purpose of this executive session is to investigate proceedings regarding criminal misconduct and to further consult with the Kaua'i County Police Commission's legal counsel concerning the powers, duties, privileges, immunities, and/or liabilities of the Kaua'i Police Commission ("Commission") as they relate to the Commission's procedures when investigating misconduct proceedings against the conduct of the department or any of its members including as they relate to the following:*

ES-2006-13 – Request from a Police Officer for legal representation
ES-2006-14 – Request from a Police Officer for legal representation
ES-2006-15 – Request from a Police Officer for legal representation

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- d. *Pursuant to Hawai'i Revised Statutes §§92-4, 92-5(a)(2) and 92-5(a)(4), the purpose of this executive session is to consider the petition filed by a police officer relating to a complaint filed against the officer while on duty, wherein the Police Commission sustained the complaint filed against the officer. The further purpose of this executive session may be to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to this item, deliberate and take such action as appropriate:*

ES-2006-16 - Petition from a police officer regarding a complaint filed against the officer

- e. *Pursuant to Hawai'i Revised Statutes ("H.R.S.") §§ 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the Kaua'i County Police Commission's legal counsel concerning the powers, duties, privileges, immunities, and/or liabilities of the Kaua'i Police Commission ("Commission") as they relate to the Commission's procedures when investigating and processing public complaints against the conduct of the department or any of its members including, but not limited to:*

ES-2006-11 - Investigative services provided to the Commission by Wood and Tait, Inc. in conjunction with such complaints; and (continued from 8/25/06)

ES-2006-12 - That certain memorandum of understanding executed in about November 2004 between the Kauai Police Commission and the Kauai Police Department concerning the handling of such complaints. (continued from 8/25/06)

- f. *Pursuant to Hawai'i Revised Statutes ("H.R.S.") §§ 92-4 and 92-5(a)(4), the purpose of this executive session is to consult with the Kaua'i County Police Commission's legal counsel concerning the powers, duties, privileges, immunities, and/or liabilities of the Kaua'i Police Commission ("Commission") as they relate to the following:*

ES-2006-9: Further communication from Office of the Ombudsman, State of Hawaii, regarding its request to receive from the Commission a confidential Commission file regarding a complaint filed by a member of the public against the conduct of the Kauai Police Department and certain officers within the Department, and Commission executive sessions minutes related thereto. (continued from 8/25/06)

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- g. *Pursuant to Hawaii'i Revised Statutes §§92-4, 92-5(a)(4), 92-5(a)(8), and 103D-105, and Hawaii Administrative Rules §§3-122-63 and 3-122-69, the purpose of this executive session is for the Police Commission to consider matters that require confidentiality under State law; to wit, the appointment of a selection committee as it relates to the procurement of, and the procurement of, a search consultant to assist the Commission in its search for a new Chief of Police of the Kauai Police Department. The further purpose of this executive session is to permit the Commission to consult with the Commission's legal counsel on questions and issues relating to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as such powers, duties, privileges, immunities, and/or liabilities may relate to the foregoing items, and to deliberate and take such action as the Commission may deem appropriate with respect to the foregoing procurement.*

Pursuant to H.R.S. §92-7(a), the Commission may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to H.R.S. §92-4 and shall be limited to those items described in H.R.S. §92-5(a).

XV. Return to Open Session

XVI. Adjournment

Cc: Galen Nakamura, Deputy County Attorney

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